

JULIE RODEWALD
San Luis Obispo County – Clerk/Recorder
Recorded at the request of
Public

SC
5/23/2013
12:24 PM

**RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:**

Clerk of the Board of Supervisors
County of San Luis Obispo
1055 Monterey Street
San Luis Obispo, CA 93408

DOC#: **2013029876**



Titles: 1 Pages: **3**

Fees	0.00
Taxes	0.00
Others	0.00
PAID	\$0.00

Item No. 24 (05/21/13)

This notice must be indexed as follows: Grantor and grantee index. Each claimant is a grantor.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COUNTY BUSINESS-FREE. THIS DOCUMENT PRESENTED FOR RECORDING PURSUANT TO
GOVT. CODE SECTION 27383.

NOTICE OF INTENT TO PRESERVE INTEREST

(California Civil Code Title 5, § 880.340 & 880.350)

This notice is intended to preserve an interest in real property from extinguishment pursuant to Title 5 (commencing with Section 880.020) of Part 2 of Division 2 of the California Civil Code (Marketable Record Title).

Claimant: County of San Luis Obispo ("County"), a political subdivision of the State of California, 1055 Monterey Street, San Luis Obispo, CA 93408

Interest: Power of Termination

The County granted to the current owner, Port San Luis Harbor District ("Port") real property located in the unincorporated area of Avila Beach, County of San Luis Obispo, State of California, Assessor's Parcel Numbers 076-213-009 and 076-215-005, by Quitclaim Deed and Easement that recorded on June 15, 1983.

The Quitclaim Deed and Easement is subject to a deed restriction requiring that the property shall be held by the Port open to the public and shall revert to the County, upon demand of the County, should one of the following occur:

- A. Should said property not be held by the Port in the public trust, substantially open and available for public parking and unencumbered by any commercial or residential development. "Substantially open and available" shall mean that not less than 300 parking spaces located in said parking lot shall be available for use by the general public not less than 365 days per year. This reversion shall in no way be construed to prevent Port from utilizing a portion of said Parking Lot for operational and maintenance purposes of Port or to restrict Port from charging a fee for the use of said Parking Lot; or
- B. At such time as the Port no longer operates and maintains the physical beach at Avila Beach (not including the pier located thereon).

Real Property: The property is located in the unincorporated area of Avila Beach, County of San Luis Obispo, State of California, and is further described in Exhibit 1 (attached hereto). County remised and released the real property described as Parcel 1 and Parcel 2 and granted an easement for public parking purposes on Parcel 3.

I, Paul Teixeira, Chairperson of the Board of Supervisors of the County of San Luis Obispo assert under penalty of perjury that this notice is not recorded for the purpose of slandering title to real property and I am informed and believe that the information contained in this notice is true. If this notice is made on behalf of a claimant, I assert under penalty of perjury that I am authorized to act on behalf of the claimant.

APN 076-213-009 and 076-215-012

COUNTY OF SAN LUIS OBISPO

BY: Paul A. Teixeira
Chairperson of the Board of Supervisors

Authorized by the Board of Supervisors this
21st day of May, 2013.

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN LUIS OBISPO)

On May 21, 2013, before me, Annette Ramirez Deputy County Clerk-Recorder, County of San Luis Obispo, State of California, personally appeared Paul A. Teixeira, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that **he/she** executed the same in his/her authorized capacity, and that by **his/her** signature on the instrument the person, or the entity upon of which the person acted, executed the instrument.

I certify under Penalty of Perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



(SEAL)

JULIE L. RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: Annette Ramirez
Annette Ramirez
Deputy County Clerk-Recorder

EXHIBIT I
LEGAL DESCRIPTION

PARCEL 1:

All of Lots 6 and 7 and those portions of Lots 2, 3, 4, 5, 13, 14 and 15, lying southeasterly of the right of way of the Pacific Coast Railway Co., all in block 5 of the Town of Avila, County of San Luis Obispo, State of California, as per map recorded in Book A, Page 5 of Maps, in the office of the County Recorder of said County.

PARCEL 2:

Lots 1 through 16 inclusive, in Block 9, of the Town of Avila, in the County of San Luis Obispo, State of California, according to the map thereof, recorded August 20, 1875, in Book A, Page 5 of Maps, in the Office of the County Recorder of said County.

Except therefrom the easterly most 70 feet of Lot 1 and the westerly most 50 feet of Lot 2 as per deeds filed for record in Official Records Volume 2457, Page 886 and Volume 2457 Pages 887 to 889 respectively, in the Office of the County Recorder of said County.

And, except therefrom the southeasterly 75 feet of Lots 3, 4, 5, 6, 7 and 8 as described in the deed to Marshall C. Ellis and Rose V. Ellis, recorded April 19, 1955 in Book 800, Page 450 of Official Records, in the Office of the County Recorder of said County.

Said Parcel 2, being all of Parcel A of Parcel map COAL-72-289 as per map recorded in Book 10, Page 40 of Parcel Maps, in the Office of the County Recorder of said County.

PARCEL 3:

That portion of San Francisco Street, Town of Avila, County of San Luis Obispo, State of California per map recorded in Book A, Page 5 of Maps in the Office of the County Recorder of said County, lying between 1st Street and the southeasterly line of the right-of-way of the Pacific Coast Railway Co.

Together with that portion of 2nd Street, Town of Avila, County of San Luis Obispo, State of California, per map recorded in Book A, Page 5 of Maps in the Office of the County Recorder of said County, lying between San Miguel Street and the southeasterly line of the right-of-way of the Pacific Coast Railway Co.